

DKE 9008.4
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Steven M. Shei Art Unit: 3742
Serial No.: 10/680,626
Filed: October 7, 2003
Examiner: Thor S. Campbell
Confirmation No.: 5554
For: FOOD WARMING APPARATUS AND METHOD

DECLARATION OF STEVEN M. SHEI

I, Steven M. Shei, declare as follows:

1. I am the inventor of the subject matter claimed in the above-entitled United States patent application, Serial Number 10/680,626.

2. I hold a B.S. in Mechanical Engineering from Purdue University. I am employed by Duke Manufacturing Company and have held numerous positions over the years related to the design, development and manufacture of food service equipment and specifically food holding ovens I have 23 years total commercial food equipment engineering experience. Presently, I am Vice President of Engineering for Duke Manufacturing Company.

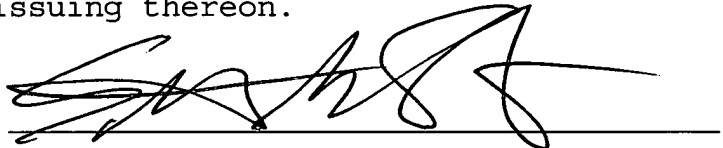
3. I have been given copies of U.S. Patent No. 2,860,225 ("the Steen patent"), as well as a copy of the Office action of September 28, 2004.

4. The Steen patent shows an electric oven for baking or frying food products having heating elements spaced above the food products in the oven. As noted at col. 2, lines 39-41 of the Steen patent, the temperature of the heating elements may vary between 375 degrees C (707 degrees F) and 625 degrees C (1157 degrees F). Heating elements of this type are not suitable for use in food holding ovens for holding pre-cooked food products because the heating elements would have to be spaced away from the food products a large distance to prevent the heating elements from burning the food products. As one who has considerable experience and knowledge in the art of food holding ovens, the Steen patent provides no teaching for using the heating elements to heat pre-cooked food. Further, I find nothing in the disclosure of the Steen patent which suggests to me a spacing of the heating elements from the food products a distance less than twelve inches. In contrast, the heating elements disclosed in the Steen patent would have to be spaced away from the food products a distance significantly greater than twelve inches to prevent the heating elements from burning the food products.

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I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date: 1-14-05

A handwritten signature in black ink, appearing to read 'Steven M. Shei', is written over a horizontal line.

Steven M. Shei